

REMARKS

Examiner has indicated claims 1 through 16 are allowable.

Examiner has rejected claims 17 and 20 under 35 U.S.C. § 103 (a) as being unpatentable over USPN 5,479,606 (Gray) in view of USPN 5,978,742 (Pickerd) or USPN 5,813,993 (Kaplan).

Applicant has amended the claims to overcome the rejection.

Particularly, Applicant has amended independent claim 17 to include the limitations formerly in claim 18. Applicant has canceled claim 18.

Examiner has rejected claims 18 and 19 under 35 U.S.C. § 103 (a) as being unpatentable over USPN 5,479,606 (Gray) in view of USPN 5,978,742 (Pickerd) or USPN 5,813,993 (Kaplan) and further in view of USPN 6,577,964 (LeCheminant).

Applicant respectfully traverses the rejection and requests reconsideration.

Applicant has amended claim 19 to be in independent form. Applicant has added new claim 21, dependent on claim 19.

As Applicant has amended claim 17 to include the limitations formerly in claim 18, Applicant herein treats this rejection as a rejection of claims 17, 19, 20 and new claim 21.

Statement of Common Ownership

USPN 6,577,964 (LeCheminant) and the present patent application (SERIAL NO: 10/047,733, FILED: October 26, 2001) were, at the time the

invention of the present patent application was made, owned by Agilent Technologies, Inc.

Discussion of Rejection of claims 17, 19, 20 and 21

Examiner apparently believes LeCheminant qualifies as prior art under 35 U.S.C. § 102 (e). However, 35 U.S.C. § 103 (c) indicates the following:

Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f) and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

LeCheminant cannot preclude patentability of claims 17, 19, 20 and 21 of the present case under 35 U.S.C. § 103(a) as LeCheminant and the present patent application were, at the time the invention of the present patent application was made, owned by Agilent Technologies, Inc.

Conclusion

Applicant believes this Amendment has placed the present application in condition for allowance and favorable action is respectfully requested.

Respectfully submitted,
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